IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 28018 of 2007(I)

PETITIONER:

K.V.ZAKKIR HUSSAIN, KADAVIL VALAPPIL HOUSE, AYILAKKAD P.O., EDAPPAL VILLAGE, PONNANI TALUK, MALAPPURAM DIST.

BY ADV. SRI.V.K.BEERAN (SR)
SRI.V.P.REGHURAJ

RESPONDENTS:
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1. THE TAHSILDAR, PONNANI TALUK, PONNANI, MALAPPURAM DISTRICT.

2. THE REVENUE DIVISIONAL OFFICER, TIRUR, MALAPPURAM DISTRICT.

3. THE STATE OF KERALA, REP. BY THE SECRETARY TO THE REVENUE DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 28018 OF 2007
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Dated this the 20th day of September, 2007

J U D G M E N T

The proceedings impugned in this writ petition were initiated against the petitioner under the provisions of the Land Conservancy Act. Initially there were several proceedings which came to be questioned before this Court and three writ petitions were disposed of by Ext.P13 judgment directing the authorities to pass fresh orders in the matter. It was accordingly that Ext.P14 notice was issued and after hearing the parties concerned, Ext.P16 order dated 11.9.2007, was issued by the 1st respondent directing the petitioner to vacate the land and informed that on failure, he will be evicted. Availing of the appellate remedy as provided under the Act, petitioner has filed Ext.P17 appeal before the 2nd respondent along with an application for stay of the further action pursuant to Ext.P16.

2. At this stage, this writ petition has been filed apprehending that in the absence of any order of restraint, the

respondents may evict the petitioner in implementation of Ext.P16.

3. I heard the learned senior counsel for the writ petitioner and the learned Government Pleader on behalf of the respondents.

4. Taking note of the facts as stated above and the submissions made, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Ext.P17 appeal, as expeditiously as possible, at any rate, within a period of two months of receipt of a copy of this judgment. Before final orders are passed, petitioner shall be given an opportunity of hearing. Until orders are passed as above, all further proceedings pursuant to Ext.P16 will be kept in abeyance.

Petitioner shall produce certified copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp